

# **Bay Delta Conservation Plan (BDCP)**

## **Steering Committee Meeting**

Feb 22, 2008, 9:00 a.m. to 12:00 p.m.

Resources Agency Bldg., Room 1311

### **Draft Meeting Notes**

#### **Associated documents/handouts:**

- Agenda
- Notice of Preparation (NOP) new draft (brought by DWR)
- Draft 1/08/08 Steering Committee (SC) meeting notes
- Draft 1/25/08 Steering Committee (SC) meeting notes
- BDCP Conveyance WG Draft Purpose and Scope Statement
- Draft Map of Hydrozones
- Draft List and Evaluation of Potential BDCP Analytical Tools
- Draft List and Evaluation of Potential BDCP Analytical Tools Currently Under Development
- Draft Suggested Responses to the Independent Science Advisor Recommendations from the Analytical Tools Technical Team

#### **Action Items and Key Decisions**

- Dr. Jeff Mount of the UC Davis's Center for Watershed Science and Public Policy Institute of California (PPIC) gave a presentation entitled "Comparing Futures of the Sacramento-San Joaquin Delta." He addressed topics including hydrodynamics, water quality, levees, and economic parameters under future climate change conditions in the Delta. The final results of the study will be released as the second PPIC Delta report as a follow-up to their 2007 "Envisioning Futures" report.
- SC members who wish to receive notifications for WGs or TTs of which they are not a member should email Beth Gerbutavicius; they will be added to the cc list for the WG or TT that they specify.
- The Governance Working Group asked that other WGs and TTs make their implementation needs known, as this will assist them in identifying future discussion points.
- The Analytical Tools Technical Team presented their draft list of potential BDCP Analytical Tools to be used in the BDCP development process. The team identified the need for other relevant WGs and TTs to determine their analytical tool needs. SAIC will draft a template of a methods paper to facilitate this interaction.
- The Other Stressors Working Group will convene its first meeting on March 11, 10-11:30 in a location to be announced. The group's co-chairs are John McCamman and Brent Waltham. The group will meet every two weeks following the first meeting.
- SC members with upcoming BDCP-related outreach needs will submit requests for public outreach materials to the Public Outreach Working Group.
- Working groups and technical teams will continue to meet as needed and will coordinate and work closely together on shared issues. Membership is still being worked out for working groups and technical teams.

## Updates

- Anthony Saracino reporting: A clarification was issued by TNC regarding the State Chamber of Commerce initiative. There was a press release issued by Senator Perata's office which incorrectly identified the positions of TNC, EDF, and Defenders relative to bond initiatives. EDF, TNC, and Defenders clarified that the press release did not represent the position of their organizations and an apology and clarification to that effect from the Senator's office was provided to the SC. TNC did not attend the December event and was not part of the California's for Safe and Clean Drinking Water coalition .
- Karen Scarborough reporting: The North Delta BDCP field trip was a great success. Thanks to Jason Peltier (Westlands) and Randall Neudeck (MWDSC) for orchestration and logistical support.
- Karen Scarborough: Regarding longfin smelt, the BDCP management team and the federal and state fish agencies are discussing how to come together on the regulatory and planning processes.
- Leo Winternitz reporting: The Delta Vision Task Force has asked staff to develop 4 working groups to assist in carrying out the goals of the plan. These working groups cover the following topic areas: water in California, ecosystems, the Delta as a place, and governance and finance. The working groups are beginning to meet; these are small groups (of which some members of BDCP SC are part) and meetings are open to the public. A website with times and locations is being developed. The Task Force is meeting next Thurs and Friday; the topics will be the Delta as a place, governance and strategic planning, and water in California with a focus on efficiency and conservation.
- John Engbring reporting: USFWS, NMFS, and USBR have decided to be co-leads on the BDCP NEPA process. They are in the process of drafting a new Notice of Intent (NOI) for the next comment period that will clarify and correct statements made in the prior NOI. The federal entities are trying to coordinate their timeline with the CEQA process so that the two will move in tandem. The dates of public hearings will need to be coordinated.
- Karen Scarborough reporting: ~~There is discussion that an Executive Order or a statement from the Governor will be issued.~~ The Governor's Office is working on talking about a comprehensive water package that addresses issues including conservation, supply, storage, and conveyance. The Governor's Office understands that the concept of a dual conveyance has been identified by Delta Vision as promising.
- Jerry Johns reporting: A new draft NOP has been prepared (see handout above). Changes from the last draft include a changed location of pumps-meetings (from Tracy to Stockton), and modification of the dates. Page 7 makes it clear that many changes, both in terms of major conservation elements and water conveyance, are being proposed. The suggestion was made to add a public meeting location on the west side of the San Joaquin Valley.
- Jerry Johns reporting: DWR has been approved to print their report pursuant to the requirements of AB 1200, a bill authored by Assembly member John Laird in 2005. The report provides an evaluation by DWR and DFG of risks to the Delta and Delta resources and options to reduce those risks to the Delta. This analysis which pulls

from information provided by DRMS, Delta Vision, BDCP and other processes. The final document is in the process of being printed and will be made publicly available in the coming weeks.

- Jerry Johns reporting: Delta smelt have been found at the Tracy facilities triggering actions stemming from the Wanger decision. This will mean restrictions on export pumping. DWR is working with the fish agencies and the Bureau to adaptively manage the process which will depend on where fish are located and hydrologic considerations.
- Russ Strach reporting: NMFS's media release regarding salmon decline will not be released immediately. The information has not changed, but the agency is looking for the right venue to release the report. This is expected to occur in or around mid-March.

### **Meeting Notes Review**

Notes from 1/11/08 and 1/25/08 are accepted pending minor changes.

### **Public Policy Institute of California (PPIC) Delta Study 2 Presentation**

Professor Jeff Mount presenting, with an introduction from Anthony Saracino. Dr. Mount presented initial findings of the upcoming University of California Davis's Center for Watershed Sciences and Public Policy Institute of California (PPIC) report, entitled "Comparing futures for the Sacramento-San Joaquin Delta." This will be a follow-up to the first PPIC Delta report. The study is the result of an independently funded, academic effort. It examines the four main export strategies outlined in the first PPIC report, looking at hydrodynamics, ecosystem, and water quality implications under future climate change conditions. Economic and water delivery process will be examined. The study will also provide frameworks and tools for examining Delta processes; a strategic decision analysis tool will be published as an interactive Excel spreadsheet. Dr. Mount also presented the initial results of a Delphi survey examining expert opinion of the probability of fish population survival under different water management regimes under the current and future climate conditions. The SC asked questions and offered feedback.

### **Working Groups and Technical Team Process and Procedures Clarification**

Karen Scarborough presenting. Membership for WGs and TTs is still a work in progress. If a SC member wishes to receive emails and handouts for a given group or team of which they are not a member, they should send an email to Beth Gerbutavicius and they will be added to the cc list. Communication between WGs/TTs will be facilitated by the management team. Products generated in WGs and TTs will ultimately go to the SC for concurrence.

### **Biological Goals and Objectives Working Group**

The group has completed its task and will not reconvene until called upon to do so.

### **Implementing Structure/Governance Working Group**

Richard Roos-Collins (co-chair) presenting. The topic of the last meeting was lessons learned from other HCPs and NCCPs, looking at the intent of the plans and asking how they work, with a focus on the Lower Colorado River Multi-Species Conservation Program

(LCR MSCP). The group spoke via phone with two people involved in the LCR MSCP, Sean Skaggs (partner at Ebbin Moser Skaggs LLP) and Lorri Gray (USBR Regional Director for Lower Colorado Region and formerly Program Manager for LCR MSCP) to learn about implementation structure and governance in the HCP. Sean Skaggs spoke about the Funding and Management Agreement (FMA) and his role as counsel to USBR during LCR MSCP development. Lorri Gray spoke about the strengths and weaknesses of the LCR MSCPs implementation structure and governance. Mark Ebbin and Paul Cylinder debriefed the group on what was learned from the call. The LCR MSCP was described as a different setup in part because the USBR operations of the Colorado River are in many respects non-discretionary while BDCP involves a discretionary set of activities. Other factors discussed were the use of cost caps, building transparency into the process, interaction with stakeholder groups, and the adaptive management program. The WG asked that other WGs and TTs make their implementation needs known as these will partially dictate what is discussed in future Governance WG meetings. The next meeting will convene in two weeks.

### **Conveyance Working Group**

Ann Hayden (co-chair) presenting. The WG is now meeting weekly on Thursdays of SC weeks, and on Fridays of non-SC weeks. The WG has gotten through its Draft Purpose and Scope Statement (see handout), and has created a general outline of how supporting TTs will be established and what their charge will be. Two presentations will be made at the next meeting, one to overview the technology and issues surrounding intake and fish facility siting, and the other to discuss initial model assumptions for hydrodynamic models.

The WG has begun to discuss incorporating a range of water demand into future analysis. SC identified the need to better define the terms and uses of words related to water supply and demand (e.g., demand functions in models, demand management, water supply).

Upstream actions were discussed and the extent to which the BDCP process can address these actions. A reminder was provided that while it is appropriate to discuss modifications to operations upstream of the Delta for modeling purposes, it is not within the scope of the BDCP process to address upstream operations.

### **Habitat Restoration Technical Team**

Dave Harlow (co-chair) presenting. At their last meeting, the TT completed the items discussed at the last SC meeting (see 2/08/08 SC meeting notes). The map of 11 hydrologic zones (see handout) is being used to evaluate opportunities and constraints for physical habitat and restoration projects. Detailed maps are being completed for all zones; the products are in draft form and are almost ready for distribution. The TT is now off for 2 weeks while SAIC adds detail to each of the opportunities previously identified. These can then be subjected to further analysis using the DRERIP conceptual tools. Once details are worked through, action statements can be generated and physical restoration ideas can be fed into other relevant WGs and TTs. The Habitat Restoration Team will meet again next week.

### **Analytical Tools Technical Team:**

Campbell Ingram (co-chair) presenting. Several items were discussed including the lists of analytical tools, the team's responses to the Independent Science Advisor recommendations, a description of process, and discussions of the need for a workshop on Analytical Tools.

Campbell discussed two lists of analytical tools (see handouts). One is a longer list of tools the TT foresees being used in the process. The other is a list of tools that are currently under development, and may not be used in the near-term process but in the implementation stage instead. The tools are not ranked in any way; they are a list of available tools. The TT will discuss the appropriateness of adding the CALVIN model to the list.

The process for choosing which analytical tools will be used and for what purposes was discussed. This will be the responsibility of the relevant WG and TTs (Conveyance, Habitat Restoration, and Other Stressors). To facilitate the decision-making regarding what tools each WG or TT will need, SAIC will develop a work product in the form of a template or rough draft of a methods paper that will be shared with the co-chairs of each WG and TT. The importance of the process of choosing analytical tools was stressed in that for the plan to succeed, the permittees and the permitting agencies will need to be confident that the proper analysis has been undertaken using the proper analytical tools.

Campbell presented the Draft Suggested Responses to the Independent Science Advisor Recommendations (see handouts). The handout shows the initial Advisor recommendations, the SAIC suggested response (accepted by the ATTT with or without modification), and the implementing group, meaning the BDCP entity that will ultimately have some responsibility for implementing the recommendation.

Finally, Campbell stated that the ATTT determined that a modeling workshop is not needed at this juncture. The Analytical Tools Technical Team process outlined above will help identify when such a workshop is needed. The ATTT is now on hiatus until further discussion.

### **Other Stressors and Water Quality Working Groups**

Brent Walthall and John McCamman (co-chairs) presenting. The first meeting will be on Tuesday March 11, from 10:00 am to 11:30 am. The location is to be determined.

### **Public Outreach Working Group**

Karla Nemeth (co-chair) presenting. The consultant (Jones and Stokes Associates) has generated a first draft of a question and answer document and a brochure with graphics and text. In broad terms, some public outreach materials are being generated to address general needs, and some to address immediate needs like the issuance of the NOP/NOI. The need to coordinate with DWR's public relations office on the NOP was discussed. The first use of BDCP public outreach materials may be at a set of briefings taking place in the first week of March in both the legislative and executive branch. This will be attended by both representatives of the NGO's and the PRE's. Roger Patterson has suggested that a

powerpoint describing the BDCP process be produced; this is being worked on. The co-chairs will set a date for the WG to look over and discuss public outreach materials shortly.

### **Public Comment**

None today.

### **Attendees**

#### *Management and Representatives*

Karen Scarborough (Chair, the Resources Agency)  
Marc Ebbin (The Resources Agency)  
Cindy Darling (The Resources Agency)  
Will Stelle (The Resources Agency)  
Roger Patterson (Metropolitan)  
Chris Scheuring (CFBF)  
Tom Howard (SWRCB)  
Leo Winternitz (CBDA)  
Frank Michny (USBR)  
Karla Nemeth (Zone 7 Water Agency)  
Tracy Ligon (Santa Clara Valley Water District)  
Jerry Johns (DWR)  
Richard Roos-Collins (American Rivers/Natural Heritage Institute)  
Kim Delfino (Defenders of Wildlife)  
Anthony Saracino (The Nature Conservancy)  
Ann Hayden (Environmental Defense)  
Gary Bobker (The Bay Institute)  
Russ Strach (NOAA Fisheries)  
John Engbring (USFWS)  
Ara Azhderian (SLDMWA)  
Paul Cylinder (SAIC)  
Laura King Moon (State Water Contractors)  
Greg Gartrell (CCWD)  
Greg Thomas (NHI)  
Brett Walthall (Kern)  
John McCamman (DFG)  
Tom Birmingham (Westlands)  
Randall Neudeck (MWDSC)

#### *On phone*

John Kirlin (CBDA)

#### *Other attendees*

See sign-in sheets

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